

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 28 APR 2005

PCT

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/050190

International filing date (day/month/year)
17.01.2005

Priority date (day/month/year)
20.01.2004

International Patent Classification (IPC) or both national classification and IPC
H04L12/24, H04L29/12, H04L29/06

Applicant
KONINKLIJKE PHILIPS ELECTRONICS, N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050190

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/050190

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-24
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US-B1-6 614 781 (ELLIOTT ISAAC K ET AL) 2 September 2003 (2003-09-02)

D2: US 2003/041136 A1 (CHELINE DOUGLAS A ET AL) 27 February 2003 (2003-02-27)

2. The subject matter of **claims 1, 16, 17 and 24** does not involve an inventive step in the sense of Article 33(3) PCT.

2.1 Document **D1** discloses according to all the features of **claim 1** (the references in parentheses applying to this document):

A method for remotely controlled gateway management (see in particular column 47, lines 13-27; column 49, lines 14-17; or figures 2A, 2B), the method comprising the steps of:

- a) receiving a request for content, the request comprising global addressing information of a gateway and corresponding to one or more network appliances on a local network accessible via the gateway (e.g. column 47, lines 14-18; lines 23-24; column 48, lines 13-27; figures 2A, 2B; or table 12);
- b) determining gateway configuration information suitable for configuring the gateway to pass one or more content streams, each comprising portions of the content, to the one or more network appliances (e.g. column 47, lines 21-27; column 47, lines 56-61; column 48, lines 60-64; or figure 2); and
- c) communicating the gateway configuration information with the gateway (e.g. column 48, lines 57-64; or figure 2).

The subject matter of claim 1 differs from that disclosed in D1 merely in that a content stream is set up - the request for content comprising a global addressing information of a gateway - whereas in D1 a voice call is set up over a packet switched data

network - the signalling messages for call setup comprising e.g. IP address / port numbers of involved servers or gateways, destination telephone number or trunk ID. As both documents relate to data transport over packet networks, the employment of a request for content instead of call setup signalling comes consequently within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

The subject matter of **claim 1** does therefore not involve an inventive step in the sense of Article 33(3) PCT.

- 2.2 **Independent claim 16** relates to an apparatus with means for carrying out the steps of a method for instance according to claim 1 and does therefore also not involve an inventive step.
- 2.3 **Independent claim 17** defines a method performing sending and receiving steps complementary to the respective receiving and sending steps of claim 1 and does therefore also not involve an inventive step.
- 2.4 **Independent claim 24** defines an apparatus with sender and receiver features complementary to the respective receiving and sending features of claim 16 and does therefore also not involve an inventive step.
3. **Dependent claims 2-15 and 18-23** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

- 3.1 The features of dependent claims 2, 3, 5-7 and 23 are already disclosed in documents **D1** and **D2** (the references in parentheses applying to this document):

Claim 2:	D2 e.g. paragraph 38; paragraph 68; paragraph 72, sentence 1 or figures 1, 2
Claim 3, 7:	D1 e.g. column 47, lines 33-36
Claim 5, 6:	D1 e.g. column 47, lines 23-24

Claim 23: D2 e.g. paragraph 72, sentence 1 or figure 2

- 3.2 The features of dependent claims 4, 8-15 and 18-22 refer to further details of the methods and the apparatuses, which the skilled person would regard as normal design options.
Claims 4, 8-15 and 18-22 do therefore not involve an inventive step in the sense of Article 33(3) PCT.

Re Item VII

Certain defects in the international application

1. Independent claims 1, 16, 17 and 24 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the closest prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Re Item VIII

Certain observations on the international application

1. The application does not meet the requirements of Article 6 PCT in the following respects:
 - 1.1 Claims 1 and 16 are not clear: In the formulation "communicating the gateway configuration information with the gateway" the term "communicating with" is not clear. On page 2, lines 14-15, of the description "communicating to" is used.
2. The vague and imprecise statement on page 17, lines 1-6, of the description implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT and PCT Guidelines PCT/GL/ISPE/1 5.30) when used to interpret them.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/050190

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Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
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The subject matter of **claim 1** does therefore not involve an inventive step in the sense of Article 33(3) PCT.

- 2.2 **Independent claim 16** relates to an apparatus with means for carrying out the steps of a method for instance according to claim 1 and does therefore also not involve an inventive step.
- 2.3 **Independent claim 17** defines a method performing sending and receiving steps complementary to the respective receiving and sending steps of claim 1 and does therefore also not involve an inventive step.
- 2.4 **Independent claim 24** defines an apparatus with sender and receiver features complementary to the respective receiving and sending features of claim 16 and does therefore also not involve an inventive step.
3. **Dependent claims 2-15 and 18-23** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).
- 3.1 The features of dependent claims 2, 3, 5-7 and 23 are already disclosed in documents **D1** and **D2** (the references in parentheses applying to this document):

Claim 2:	D2 e.g. paragraph 38; paragraph 68; paragraph 72, sentence 1 or figures 1, 2
Claim 3, 7:	D1 e.g. column 47, lines 33-36
Claim 5, 6:	D1 e.g. column 47, lines 23-24

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Re Item VIII

Certain observations on the international application

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